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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,353	03/09/2000	Giuseppe Puppini	9340.680US11	3094

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EXAMINER
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CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/21/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/522,353

Applicant(s)

PUPPIN, GIUSEPPE

Examiner

Alicia Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2003 (Paper # 20)
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**RESPONSE TO AMENDMENT**

**WITHDRAWN REJECTIONS**

1. The 35 U.S.C. §112 rejections of claims 1-4, 6-24, 39 and 40 *only* of record in paper #19, pages 2-4, paragraph #4 have been withdrawn due to Applicant's amendment in paper #20.
2. *gnd.* The 35 U.S.C. §103 rejection of claims 1-4, 6-24, 39 and 40 *only* over Teeter (2,241,101) in view of Joyce (4,503,991) of record in paper #19, <sup>(the 2-11-03 action)</sup> pages 4-6, paragraph #5 have been withdrawn due to Applicant's amendment in paper #20.
3. The 35 U.S.C. §103 rejection of claims 1-4, 6-24, 39 and 40 *only* over Vliet (2,607,411) in view of Joyce (4,503,991) of record in paper #19, pages 7-9, paragraph #6 have been withdrawn due to Applicant's amendment in paper #20.
4. The 35 U.S.C. §103 rejection of claims 1-4, 6-24, 39 and 40 *only* over Hutchison et al. (4,463,046) in view of Teeter (2,241,101) of record in paper #19, pages 9-11, paragraph #7 have been withdrawn due to Applicant's amendment in paper #20.

**REJECTIONS REPEATED**

5. The 35 U.S.C. §112 rejections of claims 25-38 *only* are repeated for reasons previously of record in paper #19, pages 2-4, paragraph #4.
6. The 35 U.S.C. §103 rejection of claims 25-38 *only* over Teeter (2,241,101) in view of Joyce (4,503,991) is repeated for reasons previously of record in paper #19, pages 4-6, paragraph #5.

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7. The 35 U.S.C. §103 rejection of claims 25-38 *only* over Vliet (2,607,411) in view of Joyce (4,503,991) is repeated for reasons previously of record in paper #19, pages 7-9, paragraph #6.

8. The 35 U.S.C. §103 rejection of claims 25-38 *only* over Hutchison et al. (4,463,046) in view of Teeter (2,241,101) is repeated for reasons previously of record in paper #19, pages 9-11, paragraph #7.

### ***NEW REJECTIONS***

9. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

### ***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1-4, 6-24, 39 and 40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case claims 1 and 39 added the limitation "wherein a fabric is embedded into the first rigid thermoplastic composite area and the second rigid thermoplastic composite area and hinged region, and wherein said first rigid area and said second rigid areas are joined through the at least one

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flexible hinged region.” The claims further recites “wherein further at least on portion of said at least one flexible hinged region is coated with a flexible sealant.” The examiner has interpreted the new language of claim 1 to mean that the at least one flexible hinged region comprises a fabric embedded in another material and then coated with a flexible sealant. The specification does only gives support for the at least one flexible hinge to comprise a fabric layer coated on either side with a flexible sealant (see figure 1 and 4 and specification page 5, lines 6-18).

Therefore the new limitation is considered new matter.

Applicant has correctly argued what the limitation should read as with out the new matter in the response of paper #20, page 5, 3<sup>rd</sup> paragraph. Applicant argues that claims 1 and 39 recite “a fabric that is embedded into a first and second rigid thermoplastic composite area, and wherein the fabric joins the first and second areas through the at least one flexible hinged region,” however this is not the current language in the claim. It is strongly suggested that Applicant replace the limitation that is considered new matter with the language used in the response to over come the new matter rejection.

Upon removal of the new matter from the claims the 35 U.S.C. §103 rejections of record in paper #19 will be reapplied.

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

12. Applicant's arguments filed in paper #20 regarding the 35 U.S.C. 103 rejection over Teeter in view of Joyce have been carefully considered but are deemed unpersuasive.

Applicant argues that the references as a whole do not teach two rigid PVC/fiber regions connected by a flexible hinge that also contains the fabric. In response it is noted that the none

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of the independent, claims 1, 25 or 39, recite “two rigid PVC/fiber regions connected by a flexible hinge that also contains the fabric.” It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable.

Applicant’s argues that claims 1 and 39 recites “a fabric that is embedded into a first and second rigid thermoplastic composite area, and wherein the fabric joins the first and second areas through the at least one flexible hinged region” and “at least on portion of the at least one flexible hinged region is coated with a flexible sealant.” As pointed out above in the 112-1<sup>st</sup> paragraph rejection the limitation “a fabric that is embedded into a first and second rigid thermoplastic composite area, and wherein the fabric joins the first and second areas through the at least one flexible hinged region” is not recited in the claims.

Applicant’s argues that claim 25 recites “a hinged profile comprising a flexible fabric coated on both sides by a rigid thermoplastic, the profile having at least two pre-determined, non-coplanar composite areas, and wherein the flexible fabric joins the at least two composite areas through at least one flexible hinged region” and “at least on portion of the at least one flexible hinged region is coated with a flexible sealant.” At this time claim 25 does not recite limitations directed to “wherein the flexible fabric joins the at least two composite areas through the at least one flexible hinged region.” It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. It is suggested that Applicant add similar language to claim 25 to over come the 112-2<sup>nd</sup> paragraph rejection of record. Furthermore, the examiner feels the language Applicant has used in the response would clearly define Applicant’s claimed invention.

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Applicant further argues that the claims recite that “the flexible fabric joins two separate rigid areas through at least one flexible hinged region, wherein a portion of the flexible region is coated with a flexible sealant. The Examiner disagrees with interpretation of the claim language in view of the 112-1<sup>st</sup> paragraph rejection, the comments above, and the fact that the claims do not recite “separate areas.”

Applicant argues that Teeter discloses a hinge wherein a plurality of fabric cords are completely embedded in a single, “one-piece resilient non-metallic material,” as such Teeter does not disclose or suggest two separate rigid areas joined through a separate flexible region, wherein the hinge region is coated by a separate, flexible sealant. Applicant further argues that Joyce does not cure this deficient or Teeter.

First, the claims recite a hinged composite structure comprising a first rigid thermoplastic area, a second rigid thermoplastic area, and at least one flexible hinged region. The claims and specification refer to the hinge as one piece with three different areas. Teeter also discloses a hinge with three different areas, the fabric cords (embedded fabric and coated flexible hinged region) are embedded in a flexible resilient rubber (flexible sealant) where the ends of the flexible rubber comprise thicker edge portions (rigid areas) (column 4, lines 22-32).

13. Applicant’s arguments filed in paper #20 regarding the 35 U.S.C. 103 rejection over Van Vliet in view of Joyce have been carefully considered but are deemed unpersuasive.

Applicant repeats their arguments regarding the limitations they believe to be recited in the claims. These arguments have already been addressed above.

Applicant argues that Van Vliet discloses a fabric completely embedded in a single rubber hinge and does not disclose or suggest two separate rigid areas joined through a separate flexible

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hinged region, wherein the hinged region is coated by a separate, flexible sealant. Applicant further argues that Joyce does not cure this deficient or Teeter.

As mentioned above, the claims recite a hinged composite structure comprising a first rigid thermoplastic area, a second rigid thermoplastic area, and at least one flexible hinged region. The claims and specification refer to the hinge as one piece with three different areas. Van Vliet also discloses a hinge with three different areas, a layer of fabric embedded in a rubber material (flexible sealant and rigid material) where the ends terminate in enlarged or bulbous edge portions (rigid areas) (figure 5).

14. Applicant's arguments filed in paper #20 regarding the 35 U.S.C. 103 rejection over Hutchison in view of Teeter have been carefully considered but are deemed unpersuasive.

Applicant repeats their arguments regarding the limitations they believe to be recited in the claims. These arguments have already been addressed above.

Applicant argues that Hutchison does not teach or suggest two separate rigid areas joined through a separate flexible hinged region. The limitations on which Applicant relies (i.e. two separate rigid areas joined through a separate flexible hinged region) are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays


If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9310. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac

7/15/03



  
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